

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JANUARY 12, 2016**

PUBLIC SESSION

I CALL TO ORDER

The regular monthly meeting of the Board of Cosmetology and Hairstyling was called to order at 9:30 a.m.

Roll Call:

Ms. Janice Alvarez, Dr. John Ford, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Ms. Frances Tomeo, Mr. Jay A. Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Ms. Angela Panteleone and Ms. Corby Marie Puascucci were absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Ms. Carol Ann Rotondo, Paralegal, Ms. Susan Rischawy, Government Representative and the Board's counsel.

II OPEN PUBLIC MEETINGS ACT

The Chair announced that the time, date and location of the meeting was listed in the Annual Notice Schedule. The Annual Notice Schedule was mailed to Ms. Kim Guadagno, Secretary of State, and the Asbury Park Press, Bergen Record, Newark Star-Ledger and Trentonian Newspapers on December 9, 2015, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 9, 2015 was posted in the Office of the Board of Cosmetology and Hairstyling on December 9, 2015.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Ms. Frances Tomeo and seconded by Mr. John Ford, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held December 8, 2015 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Mr. Raymond Testa greeted the Board Members and proceeded to inform the Board that consequent to the closing of Paul Mitchell school in ???, Empire was approached to take in the remaining students.

Mr. Testa inquired about the progress of their petition for rulemaking to interpret “cost of materials” at N.J.S.A. 45:5B-3(h) and to define “clinic” (N.J.A.C. 13:28-1A.1).

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga reminded the Board that there was still \$100.00 per month cap for attending meetings and that it cannot be exceeded.

VI Petition for Rule Making to interpret “cost of materials” at N.J.S.A. 45:5B-3(h) and to define “clinic” N.J.A.C. 13:28-1A.1.

Ms. Frances Tomeo and Ms. Janice Alvarez are recused.

Mr. John Ford stated that in view of the retirement of Ms. Greenblatt, the Board’s regulatory analyst, the Committee is seeking an extension of time.

Mr. Testa stated that he thought the reason for the extension is reasonable and did not see a problem with it.

Mary Ann Sheehan, regulatory analyst recommended a 60 day extension just in case the Board runs into a quorum issue.

Mr. Testa stated that it was fine and to send that request for extension to Darlene Fox with a copy to him.

VII FOR BOARD CONSIDERATION

1. Correspondence received from Mr. Howard Jones, 526 Riverside Avenue, Trenton, New Jersey in connection with the penalty assessed him in the amount of \$100.00 for the alleged violation of N.J.S.A. 45:5B-12(f) & N.J.A.C. 13:28-2.12(a)² at Top Road Barber Shop, 1340 Brunswick Avenue, Trenton, New Jersey on January 16, 2015 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. John Ford, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$100.00 shall be made within thirty (30) days from the date of the Final Order and in the

event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

2. Correspondence received from Mr. Carlos Gonzalez, t/a Tangles Hair Studio, 633 Bloomfield Avenue, Store #1, Bloomfield, New Jersey in connection with the penalty assessed against him in the amount of \$250.00 for the alleged violation resulting out of an inspection of his shop on August 6, 2014 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. John Ford, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$250.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

3. Correspondence received from Ms. Laura Chard, t/a The Cuckoo's Nest, 32 West Avenue, Woodstown, New Jersey in connection with the penalty assessed against her in the amount of \$100.00 for the alleged violation resulting out of an inspection of her shop on June 18, 2014 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$100.00 shall be made within thirty (30) days from the date of the Final Order and in the event she fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

4. Correspondence received from Mr. Jung Bin Lim, t/a II Elite Nails, 451 Cedar Lane, Teaneck, New Jersey in connection with the penalty assessed against him in the amount of \$1,350.00 for the alleged violation resulting out of an inspection of his shop on March 13, 2014 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board will reduce the amount set forth in the Uniform Penalty Letter to \$1000.00 and has offered a payment plan of \$600.00 upfront and \$200.00/month for the following two months from the date of the Final Order and in the event he fails to make timely payments, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

5. Correspondence received from Ms. Karen West, Ms. Christy Cardona, t/a True Beauty Salon, 825 South Delsea Drive, Unit #7, Vineland, New Jersey in connection with the penalty assessed against her in the amount of \$100.00 for the alleged violation resulting out of an inspection of her shop on September 17, 2014 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$100.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

6. Correspondence received from Mr. Felix Frischeisen, t/a Sajonia D'Light Spa, 856 Kearny Avenue, Kearny, New Jersey in connection with the penalty assessed against him in the amount of \$700.00 for the alleged violation resulting out of an inspection of his shop on October 3, 2014 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. John Ford, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$700.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

7. A request received from Ms. Varsha Patel in connection with her shop application for initial (change of ownership) licensure of European Wax Center, 107 US 9, Englishtown, New Jersey was presented to the Board for consideration. Her shop does not have a sink in the work area as required by N.J.A.C. 13:28-2.6A and has asked that the Board waive the requirement in light of the fact that she purchased an existing business licensed by the Board for at least the last 4 years with the sink in the closet and was under the impression that she could be licensed in the same manner.

After careful review and consideration, upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, the explanation as to why the Board should waive the minimum requirement is not sufficient and has directed that Ms. Patel is to come into compliance with N.J.A.C. 13:28-2.6A and to cease and desist from operating until she has obtained a license. The motion passed unanimously.

8. A request received from Ms. Varsha Patel in connection with her shop application for initial (change of ownership) licensure of European Wax Center, 1411 Route 35, Middletown, New Jersey was presented to the Board for consideration. Her shop does not have a sink in the work area as required by N.J.A.C. 13:28-2.6A and has asked that the Board waive the

requirement in light of the fact that she purchased an existing business licensed by the Board for at least the last 4 years with the sink in the closet and was under the impression that she could be licensed in the same manner.

After careful review and consideration, upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, the explanation as to why the Board should waive the minimum requirement is not sufficient and has directed that Ms. Patel is to come into compliance with N.J.A.C. 13:28-2.6A and to cease and desist from operating until she has obtained a license. The motion passed unanimously.

9. **REINSTATEMENT OF LICENSES IMO:**

- Wendy Tran Nguyen

After careful consideration, upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, Ms. Nguyen's application for reinstatement is approved. The motion passed unanimously.

- Taliah G. Dicker

After careful consideration, upon motion made by Mr. Joseph Santagata and seconded by Mr. John Ford, Ms. Dicker's application for reinstatement is approved. The motion passed unanimously.

- Patricia Landy-Rivas

After careful consideration, upon motion made by Mr. John Ford and seconded by Ms. Frances Tomeo, Ms. Rivas's application for reinstatement is approved. The motion passed unanimously.

- Tammy L. Metz

After careful review, upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri, Ms. Metz is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- Jasmin Morales

After careful review, upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, Ms. Morales is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

10. Out of Country Applicants who provided incomplete response to the Board's Notice for Records and Information within 180 days upon receipt of the Notice. The time to respond within the 180 days has passed.

- Trang Do
- George Jacob
- Marta Kocisz
- Felicitas Mallcco
- Valentin Payano
- Johnny Perez Baez
- Maria Rodriguez
- Irina Sivkova
- Brailin Trinidad
- Sandy Graca
- Samer Jacob
- Oanh Le
- Thang Thi Minh Ngo
- Vanessa Perdomo
- Paul Perez Baez
- Matilda Salemi
- Guissella Solano
- Belkis Ventura Zapata
- Waldy Peralta Reyes

After careful consideration and discussion, motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board determined that the above listed applicants provided incomplete response to the Board's Notice, and determined that they should be given a final 30 days to complete the file, thereafter the application will be closed. The motion passed unanimously.

- Alberto Rosa

After careful consideration and discussion, motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board directed that Mr. Alberto Rosa be scheduled for an investigative inquiry. The motion passed unanimously.

11. Out of country applicants who failed to provide any response to the Board's Notice for Request and Information within 180 days upon receipt of the Notice. The time to respond within the 180 days has passed.

- Leilan Chaves
- Liz de Oliveira
- Lina Jimenez
- Huyen Thi Bich Le
- Cristina Crespo
- Wendy Gomez
- Sarbjeet Kaur
- Franciso Martinez

- Mustapha Outaleb
- Ngoan Thi Pham
- Elizabeth Cartagena
- Iluminada Reyes
- Maria Penefiel
- Elis Raymondi
- Steven Minh Pham
- Jahson Then

After careful consideration, motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board determined that the above listed applicants failed to provide any response to the Board's request and determined that they should be given a final 30 days to complete the file, thereafter the application will be closed. The motion passed unanimously.

12. **Disciplinary Matters Pending Conclusion by Default Orders:**

Upon motion made by Mr. John Ford and seconded by Ms. Frances Tomeo, the Board went into closed session for advise of counsel. The motion passed unanimously.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Board returned to Opens Session to announce it's decision.

The UPLs were issued and no written responses from Respondents have been received by the Board to date. These matters were subject to finalization fifteen (15) business days after issuance of Notice of Intent to File Default Order. The Certificate of Service is attached for Board review.

The Attorney General seeks to issue Final Decision and Default Order on UPL for each of the following IMO:

1. Nhieu Van Nguyen – t/a Queen's Nail Salon - License No.: 32WM00458500
2. Joyce M. Jefferson – t/a Joy Joyce Family Hair Salon – License No.: 32WD02378800
3. Ricardo Gomez Coello – t/a L'Image Hair Salon- License No.: NONE
4. Aaron Jones - Individual License No.: NONE
5. Aye Phou – Individual - License No.: NONE

Upon motion made by Ms. Fran Tomeo and seconded by Mr. Peter Macri, the Board determined to finalize the following matters: 1. Nhieu Van Nguyen – t/a Queen's Nail Salon, 2. Joyce M. Jefferson – t/a Joy Joyce Family Hair Salon, but determined to place the following matters in abeyance: 3. Ricardo Gomez Coello – t/a L'Image Hair Salon, 4. Aaron Jones, and 5. Aye Phou. The motion passed unanimously.

13. Administrative Closure

The following Uniform Penalty Letters (UPLs) and Notice of Intent to File Default Orders (Notices) are recommended for administrative closure due to being returned to the Board for the following reasons: unclaimed, incorrect address, no forwarding address for the business or licensee, no information, or shop closure, were presented to the Board for consideration.

License Name	License #	UPL Issued	Date of Inspection	Total Penalty Amount
Brad Tozer	NONE	March 3, 2015	February 6, 2014	\$300.00
Brenda Echerike	NONE	January 20, 2015	July 23, 2014	\$300.00
Yun Ju Yoon	NONE	March 3, 2015	February 26, 2014	\$300.00
Amy Lam	NONE	March 18, 2015	October 16, 2014	\$300.00
Hung Le	NONE	March 18, 2015	October 16, 2014	\$300.00
Eufrosina A. Jimenez-Francisco	NONE	March 4, 2015	June 10, 2011	\$300.00
Daniel Perri	NONE	November 14, 2014	January 14, 2014	\$300.00
Mawata Kamara	NONE	August 7, 2012	May 4, 2012	\$300.00
Marin Kamara	NONE	August 7, 2012	May 4, 2012	\$300.00
Elba Jimenez	NONE	October 11, 2012	June 27, 2012	\$600.00
Maria Jimenez	NONE	May 23, 2013	December 19, 2012	\$300.00
Hao P. Jin	NONE	August 24, 2012	July 27, 2012	\$300.00
Kristy Lee Macnowski	NONE	August 1, 2013	February 15, 2013	\$1,100.00
Elena Jose	NONE	January 19, 2012	January 11, 2010	\$300.00
Marie C. Leto t/a Frank's Barber Shop	NONE	September 2, 2014	March 21, 2014	\$250.00
Tram Ngoc Thi Do	NONE	September 8, 2014	May 31, 2014	\$300.00
Dinh N. Le	NONE	July 8, 2015	January 24, 2014	\$300.00
Derrick Thomas	NONE	June 30, 2015	November 14, 2014	\$300.00
Thuy T. Hoang	NONE	July 15, 2015	August 11, 2014	\$300.00
Mario A. Valerio	NONE	July 20, 2015	October 8, 2014	\$300.00
Adjou Badjene	NONE	February 19, 2015	August 6, 2014	\$300.00

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board directed that the above matters be closed administratively. The motion passed unanimously.

- VII** Ms. Linda Karas, Executive Director and her supervising teacher, Ms. Julia Wilmot are scheduled to appear for interview at 1:00 PM in connection with application for initial school licensure of Robert Fiance Beauty Schools, 1458 Route 35 South, Ocean Township, NJ 07712.

After successfully answering the Board's questions, upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board approved the school application for Robert Fiance Beauty Schools, Ocean Township upon successful completion of a school inspection. The motion passed unanimously.

VII OLD BUSINESS

VIII NEW BUSINESS

Committee Reports

Examination & Sites:

Ms. Janice Alvarez reported that all Committee work is up to date. She indicated that they were having some issues with examiners.

Education & Public Relations:

Mr. John Ford indicated that the committee is requesting an extension on the petition for rule making.

Violations:

Mr. Joseph Santagata reported that the Committee is up to date.

Legislation:

Mr. Peter Macri reported that the Committee is up to date.

School & Department of Education Liaison:

Ms. Frances Tomeo reported that all Committee work is up to date.

Regulatory Committee:

Mr. Jerry Speziale reported that all Committee Work is up to date.

Special Committee Assignments:

No report

IX EXECUTIVE SESSION

The Board adjourned the Public Session and moved to the Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.

IMO Malina Raab

Upon motion made by Mr. John Ford and seconded by Mr. Jerry Speziale, the Board has allowed Mr. Raab to sit for examination for licensure provided she have no further contact with the criminal justice system. The motion passed unanimously.

X ADJOURNMENT

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the meeting was adjourned at 2:15 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director